

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE  
HONORABLE ROBERT B. KUGLER

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COMMODITY FUTURES TRADING	:
COMMISSION,	:
	:
	:
Plaintiff,	:
	:
	:
-against-	:
	:
EQUITY FINANCIAL GROUP, LLC, et.,	:
	:
Defendants.	:
	:
-----X	

Civil No. 04-1512 (RBK)

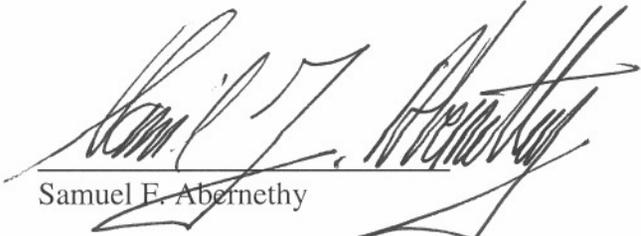
DECLARATION OF  
SAMUEL F. ABERNETHY

SAMUEL F. ABERNETHY declares as follows:

1. I am a member of the bar of the State of New York and a member of the firm of Menaker & Herrmann LLP, counsel, along with Witman, Staudtmauer & Michaels, P.C., to defendant Equity Financial Group, LLC ("Equity Financial"). I am also admitted *pro hac vice* in this action. I make this declaration in support of defendant Equity Financial's motion to dismiss the action pursuant to Fed.R.Civ.P. Rule 12(b)(1) and (6).
2. On behalf of our client Equity Financial we adopt and join in the motions pursuant to Fed.R.Civ. P. Rule 12 (b)(1) and (6), and their supporting brief and related papers, made by *pro se* defendants Robert Shimer and Vincent Firth.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 22, 2005



Samuel F. Abernethy